

### **Remarks**

Claims 1-11 are currently pending in the Application and Claims 12-29 were canceled without prejudice.

### **Allowable Claims**

Applicants acknowledge with gratitude the Examiner's indication of allowability as to Claims 3-11.

### **Summary of claim amendments**

This response amends Claim 1 to recite features of Claim 2 and cancels Claim 2 without prejudice. No new matter has been added.

This response amends Claim 3, 8 and 10 to clarify the language of the claims. No new matter has been added.

### **35 U.S.C. §102(b) rejection**

Claims 1-2 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sreenivas (U.S. Patent No. 5,821,908). Applicants respectfully disagree

The Examiner is reminded that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that "[the] identical invention must be shown in as complete detail as is contained in the ... claim." MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that Sreenivas does not teach each and every element as set forth in the rejected claims. In particular:

#### **Claim 1**

A. Applicants submit that Sreenivas does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 1 of the present application:

“wherein each patch antenna element of said plurality of patch antenna elements has at least one feed point for receiving signals, **the signals** at said feed point being selectively **routed to said power combiner** based upon certain predetermined signal criteria” (emphasis added)

Referring to Sreenivas’ Figure 6 reproduced below, the Examiner asserts that “at least one feed point” as recited in Claim 1 is disclosed by Sreenivas’ feed unit “108.” See page 2, section 2, line 10 of the Official Action. Applicants respectfully traverse the Examiner’s assertion.

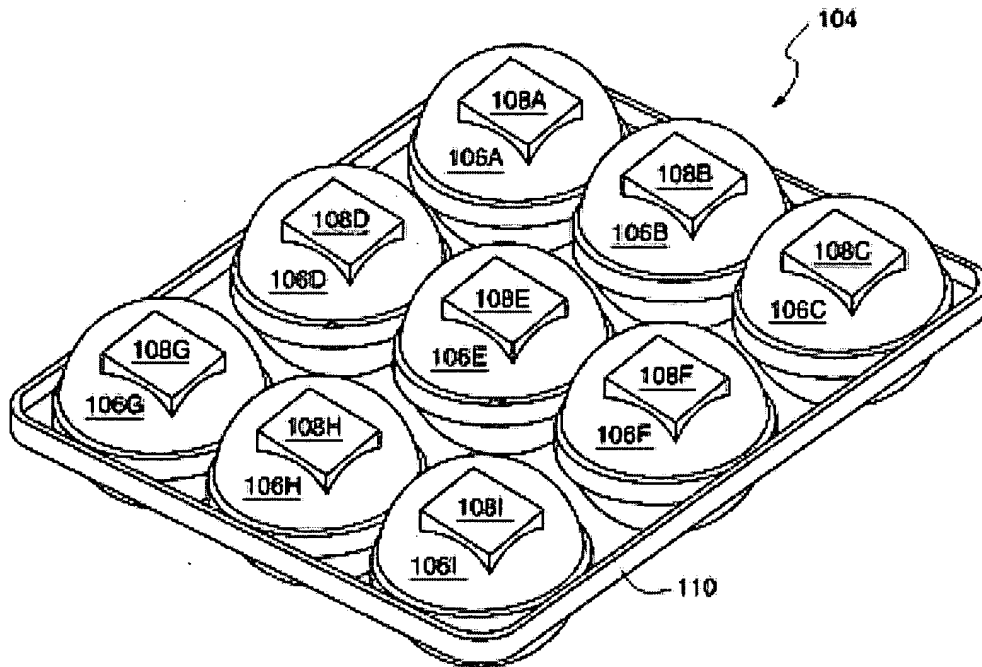
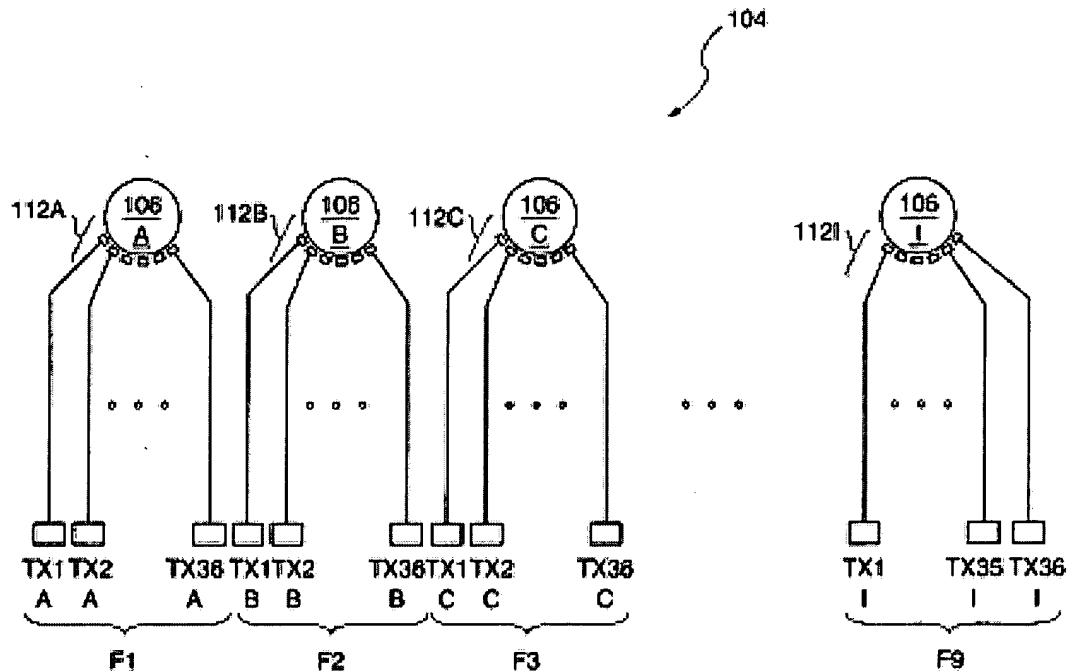


Fig. 6

According to Sreenivas, each feed unit “108” includes one or more phased array antennas “112,” where in each phased array antenna “112” includes thirty-six (36) antennas and wherein each phased array antenna “112” is driven by a separate transmitter means “TX1-TX36.” See column 7, lines 23-24; lines 29-36; and Figure 7, reproduced below, of Sreenivas.



**Fig. 7**

Because each phased array antenna “112” is driven by a separate transmitter means “TX1-TX36,” signals are transmitted from “TX1-TX36” to lenses “106.” Applicants submit that Sreenivas does not teach, disclose or suggest “**the signals** at said feed point being selectively **routed to said power combiner** based upon certain predetermined signal criteria” (emphasis added) as recited in Claim 1, because the signals are routed to lenses “106,” not a “power combiner” as recited in Claim 1. Hence, Claim 1 is patentable over Sreenivas and should be allowed by the Examiner. Claims 3-11, at least based on their dependency on Claim 1, are also be patentable over Sreenivas.

**B.** Applicants submit that Sreenivas does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 1 of the present application:

“wherein each patch antenna element of said plurality of patch antenna elements has at least one feed point for receiving signals, **the signals** at said feed point being **selectively routed** to said power combiner **based upon certain predetermined signal criteria**” (emphasis added)

Applicants respectfully submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) which states:

“In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes invention other than that claimed by Applicant, **the particular part relied on must be designated as nearly as practicable**. The pertinence, if not apparent, must be clearly explained and each rejected claim specified” (emphases added).

Applicants submit that the Examiner failed to “designate as nearly as practicable” where Sreenivas discloses selectively routing signals “based upon certain predetermined signal criteria” as recited in Claim 1. Applicants respectfully request that the Examiner identify what criteria is being used in Sreenivas to selectively route signals.

The Examiner is encouraged to contact the undersigned to discuss any other issues requiring resolution.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

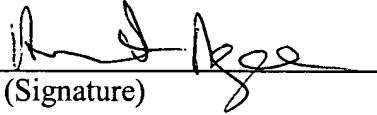
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May 24, 2006

(Date of Deposit)

Anait Agee

(Name of Person Signing)

  
(Signature)

May 24, 2006

(Date)

Respectfully submitted,



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